

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

TERRY EUGENE LEE, JR.,)	
)	
Petitioner,)	
)	
v.)	Case No. 7:21-cv-01453-LSC-JHE
)	
STATE OF ALABAMA,)	
)	
Respondent.)	

MEMORANDUM OPINION


Petitioner Terry Eugene Lee, Jr. filed an amended *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking dismissal of a state charge for first-degree theft of property. (Doc. 4). On December 28, 2022, the magistrate judge entered a report recommending the court grant the respondent's motion for summary dismissal, and dismiss the amended petition as moot and for failure to exhaust state remedies. (Doc. 12). Although the magistrate judge advised the parties of their right to file written objections within 14 days, the court has not received any objections.

After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court finds that the respondent's motion

for summary dismissal is due to be granted and the amended petition is due to be dismissed without prejudice as moot and for failure to exhaust state remedies.

A final judgment will be entered.

DONE and **ORDERED** on January 26, 2023.

A handwritten signature in black ink, appearing to read 'L. Scott Coddler', is written over a horizontal line.

L. Scott Coddler
United States District Judge

160704